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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

Plaintiffs,

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.  
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Index No. 19-CV-7086

**SECOND AMENDED  
ORDER APPROVING  
SENDING OF NOTICE  
OF LAWSUIT WITH  
CONSENT TO  
BECOME PLAINTIFF  
FORM AND  
QUESTIONNAIRE**

Having reviewed the proposed Notice of Lawsuit against NYC Health + Hospitals filed on March 25, 2020 and having directed the parties to submit a proposed order to the Court that will govern the dissemination of the proposed Notice (Dkt. No. 35), the Court Orders as follows:

1. The Court adopts the attached Notice of Lawsuit against NYC Health + Hospitals for use in this case.
2. Notice of this lawsuit will be sent to all members of District Council 37, AFSCME, AFL-CIO ("DC 37"), who have worked in the titles set forth in Exhibit A of the Notice at NYC Health + Hospitals for any period since July 30, 2016.
3. By August 27, 2020, DC 37 shall mail the following items to each person who falls within the definition set forth in paragraph two of this Order, to the extent the information is maintained in DC 37's records: a Notice of Lawsuit, a Consent to Become Plaintiff form, a Questionnaire, and a postage pre-paid return envelope addressed to H+H FLSA Collective Action, c/o Daniel Doeschner, Greenberg Burzichelli Greenberg, 3000 Marcus Ave, Ste 1W7, Lake Success, NY 11042 ("the Notice package").

4. By September 11, 2020, Defendant H+H will provide to Plaintiffs' counsel, in a searchable excel spreadsheet, a list of the: (a) full name, (b) last-known home address, (c) personal e-mail address, and (d) home phone number of each person who falls within the definition set forth in paragraph two of this Order to the extent the information is maintained in H+H's PeopleSoft system. Plaintiffs' counsel will treat this information as confidential and will not disclose it to third parties.

5. By September 26, 2020, DC 37 shall mail a Notice package to each person who appears on Defendant H+H's list who was not included in DC 37's initial mailing.

6. Any person who wishes to opt into this lawsuit must complete the Consent to Become Plaintiff form and return it to Plaintiffs' counsel by mail postmarked on or before October 26, 2020, or by e-mail sent on or before October 26, 2020. Plaintiffs' counsel will retain copies of the envelopes as proof of postmark, and copies of e-mails as proof of date sent. Any potential opt-in plaintiff whose Consent to Become Plaintiff form is postmarked or e-mailed after October 26, 2020 will not be able to participate in this lawsuit.

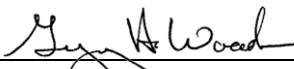
7. If any Notice package is returned undeliverable, Plaintiffs' counsel will attempt to contact the addressee of the returned Notice package by e-mail or phone call to obtain an alternate address, so that counsel may resend the Notice package to the alternate address. If there is insufficient time to resend the Notice package by mail, or if the addressee permits receipt by e-mail, the Notice package may be e-mailed to the addressee and the addressee may return the Consent to Become Plaintiff form by e-mail to [ddoeschner@gbglawoffice.com](mailto:ddoeschner@gbglawoffice.com).

8. When the notice period ends, Plaintiffs' counsel will prepare a list of the people who timely returned their executed Consent to Become Plaintiff forms and the dates on which

each form was postmarked or electronically sent. Plaintiffs' counsel will file that list and the timely Consent to Become Plaintiff forms with the Court by November 30, 2020.

SO ORDERED.

Dated: June 30, 2020

  
\_\_\_\_\_  
Gregory H. Woods  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

(Jury Trial Demanded)

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

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**NOTICE OF LAWSUIT AGAINST NYC HEALTH + HOSPITALS**

**TO: All members of District Council 37, AFSCME, AFL-CIO, who have worked in the titles set forth in Exhibit A at NYC Health + Hospitals for any period since July 30, 2016.**

**DO NOT DISCARD – PLEASE READ THIS ENTIRE NOTICE**

The purpose of this Notice is to: (1) notify you that a collective action lawsuit under the Fair Labor Standards Act (“FLSA”) has been filed against NYC Health + Hospitals (“H+H”); (2) describe who may be a plaintiff in the lawsuit; (3) inform you that you have the right to join the lawsuit; (4) instruct you how to join the lawsuit should you wish to do so; (5) advise you of how this lawsuit may affect your rights; and (6) inform you of your options for representation in the lawsuit.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS’ CLAIMS OR DEFENDANTS’ DEFENSES. FURTHERMORE, RECEIPT OF THIS NOTICE DOES NOT INDICATE THAT YOU HAVE A CLAIM OR ARE ENTITLED TO RECOVERY.**

**1. Description of the Collective Action Lawsuit**

On July 30, 2019, Plaintiffs Jayson Taylor, Krystal Wongwon-Regis, Angel Benitez, Victor Ndubuisi, and Pamela Alexander, on behalf of themselves and on behalf of others similarly situated, filed this collective action lawsuit against Defendants H+H and Mitchell Katz, in his official capacity as President and Chief Executive Officer of H+H. The Complaint alleges

that H+H, when compensating employees for performing overtime work at a rate of time-and-a-half, did not include certain contractual additions to the employees' rates like night shift differential or longevity in violation of the FLSA. Because H+H did not include these additions, plaintiffs allege that those employees were underpaid for their overtime work.

The case is in its early stages and does not have a trial date yet. To date, over 200 DC37 members/employees have opted-in to the lawsuit.

## **2. Composition of the Collective Action**

Plaintiffs seek to sue on behalf of themselves and also on behalf of all members of District Council 37, AFSCME, AFL-CIO ("DC 37"), who have worked in the titles set forth in Exhibit A at H+H at any time since July 30, 2016 and who have worked in excess of 40 hours in any week.

## **3. Right to Participate or Not Participate in this Lawsuit**

If you worked in any of the DC 37 represented titles set forth in Exhibit A in the last three years and worked in excess of 40 hours in a workweek, you have the right to participate in this lawsuit. You do **not** need to have any records of your wages or the hours you worked.

You are entitled to participate even if you were not working in this country legally at the time or are currently not working legally. You will not be asked about your immigration status, work permit, or immigration papers, and you do not need to be a documented worker in order to collect any monies recovered from Defendants in this lawsuit.

It is your own decision whether to join the lawsuit by signing the form and mailing it to Plaintiffs' counsel. Defendants are prohibited from retaliating against you in any way for joining this case, including taking any action based on your immigration status.

If you do not want to join this lawsuit, you do not need to do anything. You will not be included in this lawsuit and will not receive any money from it for your FLSA claim.

## **4. How to Join the Lawsuit**

**To join this lawsuit, you must sign, date, and print your name and address on the attached "Consent to Become Plaintiff" form and mail it to Plaintiff's counsel at the below address so that it is postmarked by OCTOBER 26, 2020, which is the last day that plaintiffs can join or "opt-in" to this lawsuit.**

Plaintiffs' counsel's address is:

H+H FLSA Collective Action  
c/o Daniel Doeschner  
Greenberg Burzichelli Greenberg  
3000 Marcus Ave, Ste 1W7  
Lake Success, NY 11042  
Telephone: (516) 570-4343

Fax: (516) 570-4348  
ddoeschner@gbglawoffice.com

For your convenience, a self-addressed, postage paid envelope is enclosed. Please also fill out and return the enclosed questionnaire as well so that we have your contact information should we need to communicate with you. Plaintiffs' attorneys will file your consent form with the Court.

Should you have any questions, please contact Plaintiffs' counsel at the information above or Robert Burzichelli, counsel for Plaintiffs, at (516) 570-4343, [rburzichelli@gbglawoffice.com](mailto:rburzichelli@gbglawoffice.com).

**Please note that if you fail to return the completed form in an envelope postmarked by OCTOBER 26, 2020, you will not be included in this lawsuit.**

### **5. Effects of Joining the Lawsuit**

If you choose to join this lawsuit, you will become a plaintiff and will be bound by the Court Judgment or settlement, if any, of the parties involved. That is, when the Court decides whether H+H violated the FLSA, that decision will apply to all persons who joined the lawsuit. You also may be asked to provide testimony and information, including producing documents, to help the Court decide if the defendants violated the FLSA.

If you join this lawsuit, you may designate plaintiffs' counsel as your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them. Plaintiffs' counsels are being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not charge you a fee for their service. If there is a recovery, plaintiffs' counsels will be paid their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court.

If you choose **not** to join the lawsuit, you will not be affected by any decisions, judgments or settlement rendered in this case, whether favorable or unfavorable. It is entirely your own decision to join this lawsuit.

### **6. Your Legal Representation if You Join**

Along with Robin Roach, General Counsel, and Steven Sykes, of Counsel, District Council 37, 125 Barclay Street, Room 510, New York, NY 10007, the Law Offices of Greenberg Burzichelli Greenberg, P.C. represents the Plaintiffs in this lawsuit. They are handling this matter on a contingency basis, which means that if there is no recovery, the attorneys will not charge you a fee for their services. If there is a recovery, H+H will pay DC 37 and Greenberg Burzichelli Greenberg, P.C. their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court. These fees and costs will **not** be paid out of your recovery.

You may elect to be represented by Plaintiffs' counsel or choose your own counsel. If you choose your own counsel, you will be responsible for paying them.

Defendant H+H is represented in this action by the following counsel: The Office of James E. Johnson, Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

**EXHIBIT A**

**AMBULANCE TECH  
AMBULATORY CARE TECH  
ASSOC. CORR. COUNS. LV I  
ASSOC. CORR. COUNS. LV II  
AST BIO-MED EQUIP TECH  
AST PRINTNG PRESS OPERATOR  
ASSOC. ENGINEERING TECH LV I  
ASSOC. ENGINEERING TECH LV II  
BEAUTICIAN  
BEHAVIORAL HEALTH ASSOC  
BIO-MED EQUIP TECH  
BOOKKEEPER - LVL I  
BOOKKEEPER - LVL II  
BOOKKEEPER – LVL III  
CASEWORKER  
CASHIER  
CENTRAL SERVICE TECH LI  
CENTRAL SERVICE TECH LII  
CERT PHYSICAL THERAPY AST  
CHILDREN'S COUNSELOR  
CITY CUSTODIAL ASSISTANT  
CITY LABORER  
CLAIM SPECIALIST - L I  
CLAIM SPECIALIST - L II  
CLAIM SPECIALIST – L III  
CLERICAL ASSOCIATE - L II  
CLERICAL ASSOCIATE - L III  
CLERICAL ASSOCIATE - L IV  
CLERICAL ASSOCIATE -L IVA  
CLIENT NAVIGATOR - LVL I  
CLIENT NAVIGATOR - LVL II  
COMMUNITY ASSISTANT  
COMMUNITY ASSOCIATE  
COMMUNTY LIAISON WRK LI  
COMMUNTY LIAISON WRK LII  
COMMUNITY SERVICE AIDE  
COMPUTER AIDE - LVL I  
COMPUTER AIDE - LVL II  
COMPUTER PRGRMR ANALYST TRAINEE  
CONSTRUCTION MNGMNT ASSISTANT  
CORRECTIONAL COUNSELOR  
CONSULT PUB HLTH/SOC WRK  
DENTAL ASSISTANT**



**DENTAL HYGIENIST  
DIETARY AIDE  
ELEVATOR OPERATOR  
ENGINEERING TECH LVL I  
ENGINEERING TECH LVL II  
ENGINEERING TECH TRAINEE  
ENROLLMENT SALES REP-L I  
ENROLLMENT SALES REP-L II  
ENROLLMENT SALES REP-L III  
ENROLLMENT SALES REP-MDCR-L I  
ENROLLMENT SALES REP-MDCR-L II  
ENROLLMENT SALES REP-MDCR-L III  
ENROLLMENT SALES REP AST  
HEMODIALYSIS PAT CARE TEC  
HOSP CARE INVESTIGATOR  
HOUSEKEEPING AIDE  
ILLUSTRATOR  
INSTITUTIONAL AIDE  
INSTRUMENT MAKER (RADIOLOGY)  
INVESTIGATOR (CHS ONLY)  
LICENSED BARBER  
LOCKSMITH  
MATERNAL / CHILDCARE TECH  
MEDICAL EQUIP REPAIR TECH  
MEDICAL EQUIP SPECIALIST  
MEDICAL RECORDS SPECIALIST  
MEDICAL WASTE TECH  
MEDICINE-SURGERY TECH  
MENTAL HEALTH ASSISTANT  
MORTUARY TECHNICIAN  
MOTOR VEHICLE OPERATOR  
NURSE'S AIDE  
NURSE'S AIDE (TRNSPRT ESCRT)  
OCCUPATIONAL THERAPY AST  
OFFICE MACHINE AIDE-L II  
PARALEGAL AIDE - LVL I  
PARALEGAL AIDE - LVL II  
PATIENT CARE ASSOCIATE  
PATIENT CARE TECH  
PATIENT REPRESENTATIVE  
PEER COUNSELOR - LVL I  
PEER COUNSELOR - LVL II  
PHARMACY TECHNICIAN  
PLANT MAINT (HOSP)/TENDER  
PRINTING PRESS OPERATOR  
PSYCHTRC/SOCIAL HLTH TECH**

**PUBLIC HEALTH ADVISOR-L I**  
**PUBLIC HEALTH ADVISOR-L II**  
**PUBLIC HEALTH ASSISTANT**  
**RADIO REPAIR MECHANIC**  
**RADIO REPAIR TECH**  
**REHABILITATION TECH**  
**RESEARCH ASSISTANT**  
**RESPIRATORY THERAPY AIDE**  
**RESPIRATORY THERAPY TECH-L I**  
**RESPIRATORY THERAPY TECH-L II**  
**SECRETARY - LVL IIA**  
**SECRETARY - LVL IIB**  
**SECRETARY - LVL IIIA**  
**SECRETARY - LVL IIIB**  
**SERVICE AIDE**  
**SPEC. CONSLT MENTAL HLT 2**  
**SUPV CHILDREN'S COUNSELOR**  
**SUPV PUBLIC HEALTH ADVISOR**  
**SUPV LOCKSMITH**  
**SUPV OF GARDENERS**  
**SURGICAL TECHNOLOGIST LI**  
**SURGICAL TECHNOLOGIST LII**  
**TEACHER AIDE (DCC)**  
**WATCH PERSON**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

**CONSENT TO BECOME  
PLAINTIFF**

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

-----X

I am employed by NYC Health + Hospitals (“H+H”) or I was employed by H+H for some period of time since \_\_\_\_\_, worked over 40 hours in at least one week during which my regular shift included at least one hour for which I earned a night shift differential. I hereby consent to become a party plaintiff to the above-captioned action arising out of violations of the Fair Labor Standards Act, 29 U.S.C. section 216 (b).

PLEASE CHOOSE ONE:

- ☐ I designate Robin Roach, General Counsel; Steve Sykes, of Counsel, District Council 37, 125 Barclay Street, Rm. 510, New York, N.Y. 10007; and Robert J. Burzichelli, Greenberg Burzichelli Greenberg P.C., 3000 Marcus Avenue, Lake Success, N.Y. 11042, as my attorneys.
- ☐ I will retain my own attorney and I understand I am responsible for paying them.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print City, State where signed

\_\_\_\_\_  
Print name above and address below

**ATTORNEY-CLIENT COMMUNICATION & WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**QUESTIONNAIRE**

**THE INFORMATION ENTERED ONTO THIS QUESTIONNAIRE IS FOR  
PLAINTIFFS' COUNSEL ONLY AND WILL NOT BE MADE PUBLIC**

Are you a DC 37 member?    Yes / No        (Circle one)

If Yes, Local Union No.:        \_\_\_\_\_

Name:        \_\_\_\_\_

Address:        \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Phone No.:        \_\_\_\_\_

Email:        \_\_\_\_\_

Employer:        \_\_\_\_\_

Facility:        \_\_\_\_\_

Title:        \_\_\_\_\_

Check one:

Full-time:        \_\_\_\_\_

Part-time:        \_\_\_\_\_

Temporary:        \_\_\_\_\_